IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 11942 of 1997

Dated 24th October, 2006

Between

APSRTC, rep. By its Regional Manager,Nizamabad

….Petitioner

and

The Director of Town & Country Planning,
Govt. of AP, 640, A.C.Guards, Hyderabad and ors.

….Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 11942 of 1997

ORDER:

The petitioner, Andhra Pradesh State Road Transport Corporation through its Regional Manager, has filed this Writ Petition, seeking Writ of Mandamus to direct the respondents 1 to 4 not to approve the lay out providing the road from the premises of the petitioner.

In the affidavit filed in support of the Writ Petition, it is stated that for the purpose of construction of Bus Depot, Bus Station, Staff quarters etc. in Armoor of Nizamabad District, the petitioner has acquired the land covered by Sy.Nos.415/2, 416/2, 401/69, 429/2, 401/70 and 401/71, totally admeasuring Ac.11.37 guntas. It is the

grievance of the petitioner that respondents 5 to 9, who are the owners of the land covered by Sy.Nos.410, 411,401/64,401/65,406 and 412/P, have submitted lay out for the purpose of converting the said land into house plots by showing road from the acquired portion of the petitioner's land.

In the counter filed on behalf of the respondents 3 to 4, it is stated that the petitioner-Corporation acquired the land and subsequently obtained lay out approval from the Director of Town and Country Planning. It is further stated that in the lay out plan, which was approved by the first respondent, vide LP No. 69/95, it is clearly mentioned that the disputed place is left for open spaces as per the statutory requirements.

In the lay out approval plan obtained by the petitioner vide LP No.69/95, if said portion is left for the open spaces as per the statutory requirements, that land vests with the local body. Once such approval of lay out is obtained, the petitioner cannot claim any right on that portion, which is left towards open spaces for road etc. In any event, if the petitioner is having any objection, while it is open for the petitioner Corporation to put-forth its case before the approving authority, i.e. Director of Town and Country Planning, but, at the same time, even before such proposals are considered and approved, the petitioner cannot approach this Court at this stage for issuance of direction to the respondents not to approve the lay out at all. In that view of the matter, I do not find any ground for grant of relief as prayed for.

The Writ Petition is dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 24-10-2006.
Msnr.
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